



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/909,699

07/20/2001

Cheng-Lee Nee

062891.0541

9942

7590

03/28/2005

Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/909,699**Applicant(s) **NEE ET AL.**Examiner **Brian D Nguyen**Art Unit **2661**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the application filed on 7/21/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Page 10, line 7, "58" should be changed to --57--.

Claim Objections

2. Claim 4 are objected to because of the following informalities:

Claim 4, line 3, it is suggested to change "as requested data session" to --a requested data session--.

Claim 7, line 4, it is suggested to replace "a one" with --one--.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the local cluster session table" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the local cluster session table" in line 3. There is insufficient antecedent basis for this limitation in the claim. In line 5, "**such** requesting packet data servicing node" is unclear.

Claim 8 recites the limitation “the mobile unit” in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation “the mobile unit” in line 4 and “the address” in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation “the mobile unit” in line 14, “the address” in line 26, and “the session creation message” in line 28. There is insufficient antecedent basis for this limitation in the claim.

Claim 19, line 2, “generating and transmitting **a packet data servicing node** a keep-alive message from each member within the cluster to the remaining members of the cluster” is unclear.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al (6,665,304) in view of Eyuboglu et al (2002/0196749) and Davis (2003/0016653).

Regarding claims 1-4, Beck discloses a data communication system, comprising: a plurality of packet data servicing nodes (nodes A-C) operable to communicate with each other. Each of the servicing nodes has the ability to distribute session request to an appropriate servicing node for servicing and determine whether the session request is associated with an

Art Unit: 2661

existing connection to an application running on one of the servicing nodes or whether a new connection should be established (see col. 2, lines 11-53; col. 4, lines 15-28; col. 5, line 46-col. 6, line 17; col. 6, lines 48-62; col. 10, lines 1-10). Beck does not specifically disclose the network is a mobile network that includes mobile unit and base station controller and the database used to determine an existing connection or a new connection is a session table.

However, servicing nodes service mobile units and the use of session table used to keep track of on-going sessions are both well known in the art. Davis discloses the use of session table (see paragraph 0006) and Eyuboglu discloses mobiles units are serviced by servicing nodes (see figures 2-3; abstract; paragraphs 0012-0020). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the session table as taught by Davis and service the mobile units as taught by Eyuboglu in the system of Beck in order to determine an appropriate serving node and provide an appropriate service to the mobile units.

Regarding claims 5-7, Davis further discloses that session state can be update as required (see paragraphs 0007, 0033). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to update the session table as required (periodically or when requested) as taught by Davis in the system of Beck in order to keep the session table up-to-date.

Regarding claims 8-15, claims 8-15 are method claims that have substantially the same limitations as apparatus claims 1-7. Therefore, they are subject to the same rejection.

Regarding claims 16-18 and 20, claims 16-18 and 20 are method claims that have substantially the same limitations as apparatus claims 1-7. Therefore, they are subject to the same rejection.

Art Unit: 2661

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al (6,665,304) in view of Eyuboglu et al (2002/0196749) and Davis (2003/0016653) as applied to claim 16 above, and further in view of Burns et al (6,775,703).

Regarding claim 19, Beck in view of Eyuboglu and Davis does not specifically disclose the use of keep-alive message. However, the use of keep-alive message is well known in the art. Burns disclose the use of keep-alive message (see col. 6, line 65-col. 7, line 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the keep-alive message as taught by Burns in the system of Beck in order to update the state of the servicing nodes.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

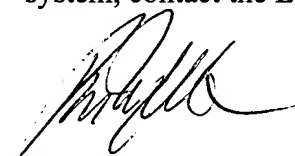
Tang et al (2002/0188753), Hunzinger Jason (2002/0016173), Tang et al (2002/0188740), Li Chris Cho-Pin (6,385,174), and Bestevros et al (6,370,584).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



3/22/05

BRIAN NGUYEN
PRIMARY EXAMINER